

## **REMARKS**

No claims have been added, amended or cancelled in this Reply. Claims 3-10, 12-15 and 32-40 are pending in the application. Claims 6 and 32-39 have been withdrawn based on an Election of Species requirement. Therefore, Claims 3-5, 7-10, 12-15 and 40 are discussed below.

### **Legal Principals Regarding 35 U.S.C. §102 Rejection**

The Examiner is reminded that “[t]he identical invention must be shown ***in as complete detail*** as is contained in the ... claim.” M.P.E.P. § 2131 quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Furthermore, “[t]he elements ***must be arranged*** as required by the claim...” M.P.E.P. § 2131 quoting *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990) (emphasis added). Finally, “USPTO personnel may not dissect a claimed invention into discrete elements in isolation. Instead, the ***claim as a whole*** must be considered.” M.P.E.P. § 2106 II (C) (emphasis added).

### **Remarks Regarding Examiner’s Response to Arguments**

In Response to previous Arguments to maintain the standing rejections the Examiner asserts that Rosenberg’s “proxy server” anticipates the claimed “multipoint control unit.” Specifically, the Examiner asserts:

First, Applicant has added that “Rosenberg’s proxy server simply cannot be equated with a multipoint control unit” (page 10, 3<sup>rd</sup> ¶). Examiner notes that the claim limitation “multipoint control unit” is rejected based on the presented functions performed by the claimed multipoint control unit. Details of the functions at least include “placing an outbound point to point call from the multipoint control unit to the additional endpoint” as claimed. Briefly, as stated in the

rejections the Examiner has relied upon the "proxy server" of Rosenberg to anticipate the claimed "multipoint control unit" since the proxy server performs the claimed function relating to the multipoint control unit. The rejection is shown below for convenience:

"...placing an outbound point to point call from the multipoint control unit to the additional endpoint (Figure 3-4; step 310; col. 6, lines 19-24; note that after receiving the location of user having 210, proxy server 220 sends a new INVITE request to hgs@play. As in step 300, this INVITE request also contains FROM, TO, and CALL-ID header fields. It is particularly noted that the call identifier in the CALL-ID header field is the same, in order to maintain an association with the original request..."

Final Office Action date 07 July 2010 at pp. 2-3.

The Examiner assertion that Rosenberg's "proxy server" anticipates the claimed "multi-point control unit" fails for at least the following reasons. The Examiner "notes that the claim limitation 'multipoint control unit' is rejected based on the presented functions performed by the claimed multipoint control unit. Details of the functions at least include 'placing an outbound point to point call from the multipoint control unit to the additional endpoint' as claimed." Final Office Action dated 07 July 2010 at p. 2. However, the Examiner appears to fail to properly interpret the claim "as a whole" because, as recited in claim 40, "multipoint control unit [is] **managing** the audio conference." It is not reasonable to assert Rosenberg's "proxy server" manages the audio conference. Rosenberg expressly states "a proxy server receives a request (such as an Invite message) and then forwards the request towards (i.e., not necessarily to) the current location of the callee." Rosenberg at Col. 5 Ins 56-58. In other words, Rosenberg's proxy server is used to **determine locations** and not manage audio conferences. Even if one were to accept the Examiner's interpretation that Rosenberg's "proxy server" actually places an outbound call, the Examiner's assertion that Rosenberg's "proxy server" can anticipate the claimed "multipoint control unit" fails when claim 40 is properly interpreted as a whole. For at least this reason, this is clearly not a sustainable rejection, Rosenberg does not disclose anything **arranged** as in independent claim 40 nor does Rosenberg disclose the identical invention in **complete detail** as required by law and USPTO examining guidelines.

Assignee also notes that independent claim 7 similarly recites, *inter alia*, “a multipoint control unit **to host said audio conference**” and thus the Examiner’s rejection fails as to claim 7 for similar reasons as explained above regarding independent claim 40.

### **Prior Art Rejections**

In responding to the Examiner’s prior art rejections, Assignee here only justifies the patentability of the independent claim (*i.e.*, claims 40 and 7). As the Examiner will appreciate, should these independent claims be patentable over the prior art, dependent claims would also necessarily be patentable. Accordingly, Assignee does not separately discuss the patentability of the dependent claims, although Assignee reserves the right to do so.

#### **1. Section 102 Rejections**

The Examiner has rejected independent claim 40 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent 6,937,597 to Rosenberg et al. (“Rosenberg”). Office Action dated 03 February 2010 at p. 3.

#### Summary of Rosenberg

Rosenberg discloses “[a] method for creating, modifying, and terminating connections between Internet end systems, particularly, although not exclusively, for Internet telephony communication. The method relies on several request messages being sent between a client and a server and the response messages sent back in response. Each request and response message may contain one or more header fields which modify or more uniquely link the messages with a given connection. On this basis, advanced telephony services, such as call forwarding, call transferring, and multiparty conferencing are provided.” Rosenberg at Abstract.

Rosenberg further discloses “[t]he basic operation of Internet telephony signaling” at Col. 5 In. 33 through Col. 7 In. 34. Rosenberg discloses that “a caller first

obtains an address where a callee is to be called ... in the form of name@domain. The domain is then translated ... to an IP address where a suitable server is located. ... Once the server's IP address is located, the caller sends an INVITE message ... The server receiving the INVITE message ***is usually not the host where the callee is actually located.*** Therefore, we define three types of servers: ***proxy, redirect and user agent.*** ... In general, a ***proxy server receives*** a request (such as an INVITE message) and then forwards the request towards (i.e., not necessarily to) the current location of the callee. ... A proxy server can also forward an incoming invitation to multiple servers simultaneously, in order to contact a user at one of the locations."

Rosenberg also discloses "[a]nother service that is possible is multiparty conferencing, in a variety of scenarios. These include multicast conferences, bridged conferences, and full-mesh conferences." Rosenberg at Col. 15 Ins. 3-6. Rosenberg discloses a full-mesh conference does not have an MCU or bridge by stating: "[i]n a full-mesh conference, each participant sends media data to ***every other participant and mixes the media from all other participants locally.***" Rosenberg at Col. 15 Ins. 7-9. Next, Rosenberg discloses multicast conferences. Multicast addressing is a network technology for the delivery of information to a group of destinations simultaneously using the most efficient strategy to deliver the messages over each link of the network only once (if possible). Rosenberg discloses "[a] client wants to invite a group, represented by a single identifier (friends@isp.com) which maps to a multicast address. Each member of the group listens to the address, and therefore can receive invitations." Rosenberg at Col. 17 Ins. 5-9. Finally, Rosenberg discloses "a dial-in bridge [where] users dial into a number which represents a bridge. The bridge mixes the media from all of the users connected to it, and then returns it to each user. ... Each user ***invites the bridge,*** and the acceptance response from the bridge indicates the media that the bridge can understand and the port number to which data should be send, as with any other call. All users who send an INVITE to the same URL are considered part of the same conference. Their respective ***media is mixed,*** and the result is sent to each user in accordance with their respective limitations.

In summary, proxy servers receive INVITE requests on behalf of a particular user and then forward that INVITE request to one or more servers in an attempt to locate that particular user. Three types of conferences are disclosed, with the ***bridged*** conference being the only method disclosing mixing of media at a shared location rather than ***mixing locally*** on the client.

Independent Claim 40

Independent claim 40 recites, *inter alia*, “placing an outbound point to point call from the multipoint control unit to the additional endpoint” and “multipoint control unit [is] ***managing*** the audio conference.” The Examiner asserts that Rosenberg’s ***proxy server*** anticipates the claimed multipoint control unit. However, as described above Rosenberg’s proxy server simply cannot be equated with a multipoint control unit. The capability of Rosenberg’s proxy server is to “receive an INVITE request” and forward “the request towards ... the current location of the callee.” In contrast, as ***recited in the claim*** and described in Assignee’s Specification at p. 11 Ins. 12-24, a multipoint control unit (MCU) “supports audio conferences between three or more endpoints 120” (*i.e., manages an audio conference*). Clearly, Rosenberg’s proxy server does not manage an audio conference. Even if one were to accept the Examiner’s assertion that Rosenberg’s proxy server can “place an outbound call,” the Examiner has still failed to present a legitimate *prima facie* anticipation rejection because Rosenberg’s proxy server does not perform functions equivalent to the claimed multipoint control unit. Assignee asserts that Rosenberg’s proxy server is fundamentally different from an MCU and does not perform the functions of either “managing an audio conference” or “placing an outbound call” as expressly recited functions of an MCU in claim 40.

Additionally, the Examiner relies heavily on the example disclosed at Rosenberg’s Col. 15-16 regarding inviting additional conferees to multiparty conferencing. As stated above, full-mesh conferencing and multicast conferencing examples disclosed in Rosenberg do not utilize any equipment acting as either a bridge or an MCU. Therefore, the example of adding a call to a “bridge” at Col. 15 Ins 37-49 appears to be

the only section of Rosenberg that could even be applicable to this rejection with Rosenberg's bridge and not proxy server supporting a plurality of callers. This section is reproduced for reference below:

By way of example, if A, who is part of a bridged conference at M, would like to call B outside of the bridge, and then invite B into the bridged conference. To do this, A invites B. After A and B connect and talk, A invites B again (using the same call identifier) with ALSO set to M. It should be noted that A's SIP application does not know (and does not need to know) that M is actually performing a bridge function. In response to the ALSO set to M, B sends an INVITE to M, including a REQUESTED BY A. This lets M know that A invited B to join the bridge, so that it is possible that A is still connected to B directly (not through the bridge). To change this, M invites B, including REPLACES A, which causes B to drop A.

Rosenberg at Col. 15 Ins. 37-49.

Note in this example A invites B and after A and B connect and talk, A invites B again with ALSO set to M (that is A invites both B and the bridge M). In response to the ALSO set to M, B (the callee) sends an invite to M (the bridge) including a requested by A. The ALSO lets M (the bridge) know that A invited B. Thus the bridge (M) learns the address of B directly from B. Therefore this scenario equates to B (the callee) actually initiating a call *into* the bridge M, not the bridge (M) *placing an outbound call* as recited in claim 40. While M (the bridge) does eventually INVITE B, this operation is after the call has been placed by B to the bridge (M). The final INVITE (at the very end of the example) is just to cause a termination of the original call from A directly to B.

Because the bridge (M) learns B's address from B directly, the example also does not meet the claim requirements that the address is obtained "from a packet-switched conferencing system component." Further, any combination of the example multiparty bridge operation with the normal call procedure involving an address lookup (e.g.

Rosenberg's location server) is improper because such a combination would destroy the operation of each case.

Accordingly, because Rosenberg does not disclose each and every claim element, Rosenberg cannot anticipate independent claim 40. Assignee respectfully requests the Examiner withdraw this rejection and pass independent claim 40 to allowance.

## **2. Section 103 Rejections**

The Examiner has rejected claims 3, 7 and 12 as allegedly being unpatentable under 35 U.S.C. § 103(a) over US Patent 5,995,608 to Detamble, Jr. et al. (Detamble) in view of Rosenberg. Office Action dated 03 February 2010 at p. 5.

### Independent Claim 7

The Examiner admits:

Detamble does not

specifically show initiating an outbound call request from said multipoint control unit to said packet-switched conferencing system component, wherein said call request indicates said additional endpoint which is not already participating in the audio conference; returning a destination address from said packet-switched conferencing system component to said selected multipoint control unit, said destination address corresponding to said additional endpoint; and establishing a point-to-point outbound call from said multipoint control unit to said additional endpoint based on said destination address, thereby bringing said additional endpoint into said audio conference.

Office Action dated 03 February 2010 at p. 6.

The Examiner again relies on Rosenberg to show "initiating an outbound call request from said multipoint control unit" and equates Rosenberg's proxy server with the claimed multipoint control unit. However, as shown above with respect to independent claim 40, Rosenberg in no way discloses initiating an outbound call request from a multipoint control unit which is also managing the audio conference.

Rosenberg's proxy server cannot be equated with a multipoint control unit and even if one were to assume Rosenberg's proxy server could be equated to a multipoint control unit (which it cannot) it is not Rosenberg's proxy server that **both** manages the audio conference and initiates an outbound call because Rosenberg's proxy server functions to locate "calleees" (*i.e.*, addresses that have been called) and in the specific bridged example described above, the proxy server is attempting to locate a callee that has **already been called**. For at least these reasons the Examiner's reliance on Rosenberg is inaccurate. Detample, either alone or in combination with Rosenberg, does not disclose each and every element of independent claim 7. Accordingly, the Examiner has failed to present a legitimate *prima facie* case of obviousness as required by law and established Patent Office Procedure. Therefore, Assignee respectfully requests the Examiner withdraw this rejection.

Dependent Claims 4-5, 8-10 and 13-15

The Examiner has rejected claims 4-5 as allegedly being unpatentable under 35 U.S.C. § 103(a) to Detample in view of Rosenburg and further in view of U.S. Patent 6,421,339 to Thomas ("Thomas"). Office Action dated 03 February 2010 at p. 9.

The Examiner has rejected claims 8-10 as allegedly being unpatentable under 35 U.S.C. 103(a) over Detample in view of Rosenburg and further in view of US Patent 5,978,463 to Jurkevics et al. ("Jurkevics"). Office Action dated 03 February 2010 at p. 10.

The Examiner has rejected claims 13-14 as allegedly being unpatentable under 35 U.S.C. 103(a) over Detample in view of Rosenburg and further in view of US Patent 5,680,392 to Semaan ("Semaan"). Office Action dated 03 February 2010 at p. 11.

The Examiner has rejected claim 15 as allegedly being unpatentable under 35 U.S.C. 103(a) over Detample in view of Rosenberg and further in view of Semaan. Office Action dated 03 February 2010 at p. 13.

Each of claims 4-5, 8-10, 13-15 depend from independent claim 7. Assignee has shown above that, as amended, independent claim 7 is patentable over the cited art.

Therefore, each of claims 4-5, 8-10, 13-15 are patentable over the combination of Detamble and these various secondary references. Assignee respectfully requests the Examiner withdraw these rejections and issue a notice of Allowance for all pending claims.

## **CONCLUSIONS**

This paper is intended to be a complete response to the above-identified Office Action. It is believed that no fees are due. However, if other fees are found due the Commissioner is authorized to deduct any necessary charges from Deposit Account: 501922/199-0248US-C.

Reconsideration of pending claims 3-5, 7-10, 12-15 and 40 in light of the above remarks is respectfully requested. If, after considering this reply, the Examiner believes that a telephone conference would be beneficial towards advancing this case to allowance, the Examiner is strongly encouraged to contact the undersigned attorney at the number listed.

Respectfully submitted,

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